



KENTUCKY BOARD OF PHYSICAL THERAPY

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Governor

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING November 18, 2010

Board Members Present: Peggy Block, PT, Chair
Ron Barbato, PT
Margaret Blain, PT
Charles Clark, PT
Janice Kuperstein, PT
Troy Grubb, PT
Virginia Johnson, Public Member

Board Staff: Rebecca E. Klusch, Executive Director

Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel

A meeting of the Kentucky Board of Physical Therapy, Complaint Committee, was called to order at 9:00 a.m., Wednesday, November 17, 2010, at the Board office. Motion was made by Troy Grubb to go into closed session per KRS 61.810(1) (c) and (j), seconded by Peggy Block. Motion carried. Motion was made by Peggy Block to come out of closed session, seconded by Troy Grubb. Motion carried. The committee meeting adjourned at 1:30 p.m.

A meeting of the Kentucky Board of Physical Therapy was called to order by Board Chair, Peggy Block, at 9:15 a.m., Thursday, November 18, 2010, at St. Elizabeth Hospital, Edgewood. A quorum was present.

Motion was made by Ron Barbato, seconded by Janice Kuperstein to approve the minutes as amended of the September 16, 2010, Board Meeting. Motion carried.

Complaint Committee

C2007-08 *KBPT v. Robin McWhorter, PTA*. The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Temporary Suspension of Certificate until not later than June 1, 2011; Conditional Reinstatement of Certificate and Settlement Agreement. Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

BIC2009-25 A Notice of Administrative Hearing and Order has been filed. Case is ongoing.

BIC2009-94 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting. A motion was made by Margaret Blain, seconded by Janice Kuperstein to rescind the prior motion to dismiss BIC2009-94 and to subpoena patient records. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

C2010-04 *KBPT v. Leslie Powell, PT.* A motion was made by Margaret Blain, seconded by Chuck Clark to go into closed session per KRS 61.810(1)(c) and (j). Peggy Block, Troy Grubb, Mark Brengelman and Becky Klusch left the room. A motion was made by Ron Barbato, seconded by Chuck Clark to come out of closed session. A motion was made by Janice Kuperstein, seconded by Virginia Johnson to accept the Recommended Order and to issue a Final Order. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-08 Case is ongoing.

C2010-09 Case is ongoing.

C2010-10(a) and (b) Case is ongoing.

C2010-11 *KBPT v. Live Well Chiropractic.* A lawsuit was filed in the Madison County Circuit Court. An Agreed Order, Permanent Injunction and Final Judgment was signed and accepted by the Circuit Court. Case is closed.

C2010-12 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Notice of Administrative Hearing and Order. Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Settlement Authority was given to Board Counsel. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-13 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Conditional Grant of Certificate and Settlement Agreement. Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-17 Case is ongoing.

C2010-18 Case is ongoing.

C2010-19 Case is ongoing.

C2010-20 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to send a letter to Complainant on the status of the complaint. Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Case is ongoing.

BIC2010-21 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Affidavit from Chiro One Wellness Centers for advertising "physical therapy" in the brochure. Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-22 Case is ongoing.

BIC2010-23 Case is ongoing.

C2010-24 Case is ongoing.

C2010-25 A Cease and Desist Affidavit has been mailed to Respondent. Case is ongoing.

C2010-26 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

The Board reviewed the IPTPC report submitted by Brian Fingerson. Cases that are involved in the IPTPC have come to the attention of the Board.

Update on Monitoring Probations

Update on monitoring probations was given for the following: James Rick Roe, PT; Ron Cole, PT; Mary Beth Barcus, PT, Malton Schexneider, PT, Amy Farmer, PT, Lawrence Tatem, PT., Tiffiney Bentley, PT and William Kyle Clark, P.T.A.

A motion was made by Chuck Clark, seconded by Margaret Blain, to appoint Troy Grubb to replace Ron Barbato as monitor for James Rick Roe due to a conflict of interest. Motion carried.

Board and Administrative Business

An update was reported by Executive Director on the Regulation Amendments of 201 KAR 22:020, 053 and 070 that have recently passed through the Legislative Review Committee.

The Board made a few more revisions to the proposed KRS 327. The Board will participate in a conference call with the KPTA on Friday, November 19 to discuss how to process. A letter will be mailed to all licensees and an online survey will be utilized.

Roger Davis, PT, and Debra Turner, PT, requested information on the transfer of patient care from one facility to a different facility within the same employer. The Board provided the following interpretation of its laws: When patient care is transferred between therapists within the same physical therapy service, facility, or agency, but in different physical facilities, a new evaluation is not required. However, best practice would be for the evaluating therapist to document transfer of the patient to the new location and for the receiving therapist to review the initial evaluation and plan of care and document acceptance of responsibility for ongoing patient care as the therapist of record.

Mike Bowling, ATC, requested clarification on why "ATC" could not be used instead of "PT Aid or PT tech" behind his name. 201 KAR 22:053 Section 5 states: 201 KAR 22:001 Section 1 Definition (12) *"Supportive Personnel" means a person assisting in the provision of direct physical therapy patient care who is not credentialed by the board.* 201 KAR 22:053 Section 5 (5)(c) *If written by supportive personnel: "PT Aide", or "Physical Therapy Aide" or "PT Tech".*

A motion was made by Troy Grubb, seconded by Ron Barbato to refer the Request from Progressive Medical Rehabilitation Group regarding the "Kentucky Citizens against Runner Solicitation" to the Kentucky Physical Therapy Association. Motion carried.

Chad Garvey requested a Board position on Dry Needling and Diagnostic Ultrasound. The Board provided the following interpretation of its laws: Per KRS 327, the use of diagnostic/rehabilitative ultrasound by physical therapists is not prohibited as long as such use is for purposes within the scope of physical therapy including aiding in diagnosis by a licensed doctor of medicine.

Other Board Matters

Reports were given on the FSBPT Annual Meeting, FARB Attorney Certification Seminar, and CLEAR Annual Meeting by Board participants.

A motion was made by Peggy Block, seconded by Janice Kuperstein to fund Stephen Curley to the NCIT Investigators Training in Albuquerque NM on January 10-12, 2011 and to fund Executive Director and one other Board Member or Staff to the FARB Forum on January 28-30, 2011 in New Orleans, LA. Motion carried.

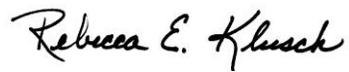
Board members reviewed and approved the lists of persons issued a license, certificate as well as examinees and reinstatements since the last meeting. Lists are attached to these minutes.

The Board reviewed the financial statement for fiscal year ending October 31, 2010.

The Board approved the 2011 meeting dates as January 20, March 17, May 19, July 21, September 15 and November 17.

A motion was made by Ron Barbato, seconded by Troy Grubb to adjourn the meeting at 5:00 p.m. Motion carried.

Respectfully submitted,

A handwritten signature in black ink that reads "Rebecca E. Klusch". The signature is written in a cursive style with a large, prominent initial 'R'.

Rebecca E. Klusch
Executive Director